

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6242

BILL NUMBER: HB 1301

NOTE PREPARED: Nov 20, 2008

BILL AMENDED:

SUBJECT: Volunteer Emergency Management Workers.

FIRST AUTHOR: Rep. Ruppel

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that certain injuries (including death) incurred by active duty members of the Indiana Guard Reserve and certain volunteer emergency management workers are compensable under the worker's compensation and occupational diseases law.

Effective Date: July 1, 2009.

Explanation of State Expenditures: The state could experience an impact as an employer. The state is self-insured for worker's compensation. The state would be required to pay claims as they become due. The impact will depend on the number and nature of future claims.

Currently, there are approximately 4,000 reservists in Indiana. The number that would be covered in future events is indeterminable.

The number of other volunteer emergency workers that would be affected by the bill is also unknown. Expenses will depend on future circumstances wherein volunteer emergency workers are injured or killed performing emergency management services in another state.

Indiana Worker's Compensation Benefits. The maximum amount payable is \$325,000 for FY 2010.

Disability Benefits. Payments are made for temporary total disability in an amount determined by a percentage of the worker's wage, subject to a weekly maximum payment amount. Payments may continue for up to 500 weeks, subject to a cap on the total payment received. Payments are made for permanent total disability (PTD) based upon a percentage (66 2/3%) of the worker's wage, subject to a weekly maximum

payment amount. Payments for PTD may continue for up to 500 weeks. Payments for permanent partial disability are made based upon a percentage of the worker's wage, subject to a weekly maximum payment and minimum weekly payment of \$75. The weekly maximum payment for FY 2010 is \$975. Benefits may be available for permanent disfigurement which impairs the future usefulness of opportunities of the employee. Physical and vocational rehabilitation benefits are available. With certain constraints and filing deadlines, occupational hearing losses may be compensable.

Death Benefits. An additional allowance for funeral expenses (currently up to \$7,500) is made (IC 22-3-3-21). If the employee dies immediately, the dependents of the employee are entitled to weekly payments at 2/3 of the employee's average weekly wage, up to a maximum of 500 weeks. If the employee dies within 500 weeks of the date of injury causing the death, the dependents are entitled to payment at the same rate, until the total compensation paid to the employee and the employee's dependents equals 500 weeks. Average weekly wages for payment of the death benefit are calculated in the same manner as average weekly wages for disability payments under IC 22-3-3-17.

A dependent spouse's dependency terminates upon remarriage, at which time the spouse receives a lump sum settlement of 104 weeks of compensation, or the remainder left unpaid, whichever is less.

State expenditures for worker's compensation benefits were \$1.02 M for FY 2008, \$1.41 M for FY 2007, and \$1.44 M for FY 2006.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana Guard Reserve.

Local Agencies Affected:

Information Sources: Lt. Col. J.R. Newman, Deputy Chief, HR Dept., 317-247-3300, ext 3467.

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